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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,787	06/07/2007	Frances Todd Stewart		4978

7590 07/22/2009  
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EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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07/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,787	<b>Applicant(s)</b> STEWART, FRANCES TODD	
	<b>Examiner</b> Tri M. Mai	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/02/07</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1. Claims 1, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Min-Jenn (D325554) or Kui (D397073). Either Min-Jenn or Kui teaches a note pad holder with a retainer for removably retaining a note pad holder on the visor, a base for supporting the note pad, a pad holder, and a writing instrument.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Min-Jenn or Kui. It would have been obvious to one of ordinary skill in the art to provide a notepad with artwork to provide aesthetic.

3. Claims 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Min-Jenn or Kui in view of Seitz (D235866). It would have been obvious to one of ordinary skill in the art to provide one end of the note holder with a spring loaded clip to hold the note pad easily.

4. Claims 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Min-Jenn or Kui in view of Munnik (D299475) or Catanese (D159954). It would have been obvious to one of ordinary skill in the art to provide a writing instrument holder comprising a pair of curved flexible grips in either Min-Jenn or Kui as taught by either Munnik or Catanese to provide an alternative means for securing the writing instrument.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafer (D273002) in view of Catanese or Munnik. Schafer teaches note pad holder with a retainer for removably retaining a note pad holder on the visor, a base for supporting the note pad, a pad holder. Schafer meets all claimed limitations except for the writing instrument holder. Either Catanese or Munnik teaches that it is known in the art to provide a pair of curved flexible grips for holding a writing instrument. It would have been obvious to one of ordinary skill in the art to

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provide a writing instrument holder comprising a pair of curved flexible grips in Schafer as taught by Munnik to provide an alternative means for securing the writing instrument.

Regarding claim 2, the upper right clip in Fig. 2 is considered spring loaded.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art to provide a notepad with artwork to provide aesthetic.

6. Claims 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Schafer rejection, as set forth in paragraph 5, and further in view of either Seitz or Harris et al. (4496058). It would have been obvious to one of ordinary skill in the art to provide a spring load clip in Schafer as taught by either Seitz or Harris et al. to an alternative means for securing the note pad.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on M-F 6 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri M Mai/  
Primary Examiner, Art Unit 3781